
SENATE BILL 6341

State of Washington

60th Legislature

2008 Regular Session

By Senators Kauffman, Delvin, and Marr

Read first time 01/15/08. Referred to Committee on Consumer Protection & Housing.

1 AN ACT Relating to electronic data recorders in motor vehicles;
2 reenacting and amending RCW 46.63.020; adding a new section to chapter
3 48.30 RCW; adding a new chapter to Title 46 RCW; and prescribing
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Electronic data recorder" means a device that is installed by
9 the manufacturer of a motor vehicle and, for the purposes of capturing
10 data for retrieval after a crash, does one or more of the following:

- 11 (a) Records vehicle speed or direction;
- 12 (b) Records vehicle location data;
- 13 (c) Records vehicle steering performance;
- 14 (d) Records vehicle brake performance, including whether brakes
15 were applied before a crash;
- 16 (e) Records the driver's seatbelt status;
- 17 (f) Has the ability to transmit information concerning a crash that
18 involves the motor vehicle to a central communications system or other
19 external device when the crash occurs.

1 (2) "Owner" means:

2 (a) A person having all the incidents of ownership, including legal
3 title, of a motor vehicle, whether or not the person lends, rents, or
4 creates a security interest in the motor vehicle;

5 (b) A person entitled to the possession of a motor vehicle as the
6 purchaser under a security agreement; or

7 (c) A person entitled to possession of a motor vehicle as a lessee
8 pursuant to a written lease agreement for a period of more than three
9 months.

10 NEW SECTION. **Sec. 2.** (1) A manufacturer of a new motor vehicle
11 that is sold or leased in this state and is equipped with an electronic
12 data recorder shall disclose that the motor vehicle is equipped with an
13 electronic data recorder in the owner's manual for the motor vehicle.
14 The disclosure must include, if applicable, a statement that the
15 electronic data recorder:

16 (a) Records the direction and rate of speed at which the motor
17 vehicle travels;

18 (b) Records a history of where the motor vehicle travels;

19 (c) Records steering performance;

20 (d) Records brake performance, including whether the brakes were
21 applied before an accident;

22 (e) Records the status of the driver's safety belt; and

23 (f) If an accident involving the motor vehicle occurs, is able to
24 transmit information concerning the accident to a central
25 communications system.

26 (2) If an electronic data recorder is used as part of a
27 subscription service, the subscription service agreement must disclose
28 that the device may record or transmit information as described in
29 subsection (1) of this section.

30 NEW SECTION. **Sec. 3.** (1) Information recorded or transmitted by
31 an electronic data recorder may not be retrieved, downloaded, or
32 otherwise accessed by a person other than the owner of the motor
33 vehicle in which the recording device is installed except:

34 (a) Upon a court order;

35 (b) With the consent of the owner for any purpose, including
36 diagnosing, servicing, or repairing the motor vehicle;

1 (c) For improving motor vehicle safety, including medical research
2 on the human body's reaction to motor vehicle accidents, if the
3 identity of the owner or driver of the motor vehicle is not disclosed
4 in connection with the retrieved information;

5 (d) For determining the need for or facilitating emergency medical
6 response if a motor vehicle accident occurs; or

7 (e) For subscription services pursuant to an agreement in which
8 disclosure required under section 4 of this act has been made.

9 (2) For the purposes of subsection (1)(c) of this section:

10 (a) The disclosure of a motor vehicle's vehicle identification
11 number with the last six digits deleted or redacted is not a disclosure
12 of the identity of the owner or driver; and

13 (b) Retrieved information may only be disclosed to a data
14 processor.

15 (3) Any person who violates this section is guilty of a
16 misdemeanor.

17 NEW SECTION. **Sec. 4.** The consent of the owner of a motor vehicle
18 with an electronic data recorder for use of recorded data to
19 investigate a motor vehicle accident or insurance claim shall not be
20 requested or obtained until after the event giving rise to the claim
21 has occurred, and shall not be made a condition of the defense,
22 payment, or settlement of an obligation or claim. For underwriting and
23 rating purposes, the owner may provide his or her consent either
24 directly to the insurer or through and as certified by a named insured.

25 NEW SECTION. **Sec. 5.** The legislature finds that the practices
26 covered by this chapter are matters vitally affecting the public
27 interest for the purpose of applying chapter 19.86 RCW. A violation of
28 this chapter is not reasonable in relation to the development and
29 preservation of business and is an unfair or deceptive act in trade or
30 commerce and an unfair method of competition for the purpose of
31 applying chapter 19.86 RCW.

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 48.30 RCW
33 to read as follows:

34 (1) An insurer shall not refuse to renew a motor vehicle insurance

1 policy solely because a motor vehicle owner, as defined in section 1 of
2 this act, refuses to provide access to recorded data from an electronic
3 data recorder, as defined in section 1 of this act.

4 (2) An insurer or agent shall not: Reduce coverage; increase the
5 insured's premium; apply a surcharge; refuse to apply a discount other
6 than a discount that is based on data recorded by an electronic data
7 recorder as defined in section 1 of this act; place the motor vehicle
8 owner in a less favorable tier; refuse to place the motor vehicle owner
9 in the insurer's best tier; or when there are multiple insurers
10 available, fail to place the motor vehicle owner with the most
11 favorably priced insurer, solely because a motor vehicle owner refuses
12 to allow an insurer access to data from an electronic data recorder as
13 defined in section 1 of this act.

14 **Sec. 7.** RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and 2005
15 c 183 s 10 are each reenacted and amended to read as follows:

16 Failure to perform any act required or the performance of any act
17 prohibited by this title or an equivalent administrative regulation or
18 local law, ordinance, regulation, or resolution relating to traffic
19 including parking, standing, stopping, and pedestrian offenses, is
20 designated as a traffic infraction and may not be classified as a
21 criminal offense, except for an offense contained in the following
22 provisions of this title or a violation of an equivalent administrative
23 regulation or local law, ordinance, regulation, or resolution:

24 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
25 vehicle while under the influence of intoxicating liquor or a
26 controlled substance;

27 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

28 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
29 while under the influence of intoxicating liquor or narcotics or habit-
30 forming drugs or in a manner endangering the person of another;

31 (4) RCW 46.10.130 relating to the operation of snowmobiles;

32 (5) Chapter 46.12 RCW relating to certificates of ownership and
33 registration and markings indicating that a vehicle has been destroyed
34 or declared a total loss;

35 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by
36 failure to register a vehicle and falsifying residency when registering
37 a motor vehicle;

1 (7) RCW 46.16.011 relating to permitting unauthorized persons to
2 drive;

3 (8) RCW 46.16.160 relating to vehicle trip permits;

4 (9) RCW 46.16.381(2) relating to knowingly providing false
5 information in conjunction with an application for a special placard or
6 license plate for (~~(disabled persons)~~) parking for persons with
7 disabilities;

8 (10) RCW 46.20.005 relating to driving without a valid driver's
9 license;

10 (11) RCW 46.20.091 relating to false statements regarding a
11 driver's license or instruction permit;

12 (12) RCW 46.20.0921 relating to the unlawful possession and use of
13 a driver's license;

14 (13) RCW 46.20.342 relating to driving with a suspended or revoked
15 license or status;

16 (14) RCW 46.20.345 relating to the operation of a motor vehicle
17 with a suspended or revoked license;

18 (15) RCW 46.20.410 relating to the violation of restrictions of an
19 occupational or temporary restricted driver's license;

20 (16) RCW 46.20.740 relating to operation of a motor vehicle without
21 an ignition interlock device in violation of a license notation that
22 the device is required;

23 (17) RCW 46.20.750 relating to (~~(assisting another person to start~~
24 ~~a vehicle equipped with)~~) circumventing an ignition interlock device;

25 (18) RCW 46.25.170 relating to commercial driver's licenses;

26 (19) Chapter 46.29 RCW relating to financial responsibility;

27 (20) RCW 46.30.040 relating to providing false evidence of
28 financial responsibility;

29 (21) RCW 46.37.435 relating to wrongful installation of
30 sunscreening material;

31 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
32 installation of a previously deployed air bag;

33 (23) RCW 46.37.671 through 46.37.675 relating to signal preemption
34 devices;

35 (24) RCW 46.44.180 relating to operation of mobile home pilot
36 vehicles;

37 (~~(+24)~~) (25) RCW 46.48.175 relating to the transportation of
38 dangerous articles;

1 ~~((+25+))~~ (26) RCW 46.52.010 relating to duty on striking an
2 unattended car or other property;
3 ~~((+26+))~~ (27) RCW 46.52.020 relating to duty in case of injury to
4 or death of a person or damage to an attended vehicle;
5 ~~((+27+))~~ (28) RCW 46.52.090 relating to reports by repairmen,
6 storagemen, and appraisers;
7 ~~((+28+))~~ (29) RCW 46.52.130 relating to confidentiality of the
8 driving record to be furnished to an insurance company, an employer,
9 and an alcohol/drug assessment or treatment agency;
10 ~~((+29+))~~ (30) RCW 46.55.020 relating to engaging in the activities
11 of a registered tow truck operator without a registration certificate;
12 ~~((+30+))~~ (31) RCW 46.55.035 relating to prohibited practices by tow
13 truck operators;
14 ~~((+31+))~~ (32) RCW 46.55.300 relating to immobilizing a vehicle by
15 a person who is not the property owner;
16 (33) RCW 46.61.015 relating to obedience to police officers,
17 flaggers, or firefighters;
18 ~~((+32+))~~ (34) RCW 46.61.020 relating to refusal to give information
19 to or cooperate with an officer;
20 ~~((+33+))~~ (35) RCW 46.61.022 relating to failure to stop and give
21 identification to an officer;
22 ~~((+34+))~~ (36) RCW 46.61.024 relating to attempting to elude
23 pursuing police vehicles;
24 ~~((+35+))~~ (37) RCW 46.61.500 relating to reckless driving;
25 ~~((+36+))~~ (38) RCW 46.61.502 and 46.61.504 relating to persons under
26 the influence of intoxicating liquor or drugs;
27 ~~((+37+))~~ (39) RCW 46.61.503 relating to a person under age twenty-
28 one driving a motor vehicle after consuming alcohol;
29 ~~((+38+))~~ (40) RCW 46.61.520 relating to vehicular homicide by motor
30 vehicle;
31 ~~((+39+))~~ (41) RCW 46.61.522 relating to vehicular assault;
32 ~~((+40+))~~ (42) RCW 46.61.5249 relating to first degree negligent
33 driving;
34 ~~((+41+))~~ (43) RCW 46.61.527(4) relating to reckless endangerment of
35 roadway workers;
36 ~~((+42+))~~ (44) RCW 46.61.530 relating to racing of vehicles on
37 highways;

1 ~~((43))~~ (45) RCW 46.61.655(7) (a) and (b) relating to failure to
2 secure a load;

3 ~~((44))~~ (46) RCW 46.61.685 relating to leaving children in an
4 unattended vehicle with the motor running;

5 ~~((45))~~ (47) RCW 46.61.740 relating to theft of motor vehicle
6 fuel;

7 ~~((46) RCW 46.37.671 through 46.37.675 relating to signal~~
8 ~~preemption devices;~~

9 ~~(47))~~ (48) RCW 46.64.010 relating to unlawful cancellation of or
10 attempt to cancel a traffic citation;

11 ~~((48))~~ (49) RCW 46.64.048 relating to attempting, aiding,
12 abetting, coercing, and committing crimes;

13 ~~((49))~~ (50) Chapter 46.65 RCW relating to habitual traffic
14 offenders;

15 ~~((50))~~ (51) RCW 46.68.010 relating to false statements made to
16 obtain a refund;

17 ~~((51))~~ (52) Section 3 of this act relating to electronic data
18 recorder information;

19 (53) Chapter 46.70 RCW relating to unfair motor vehicle business
20 practices, except where that chapter provides for the assessment of
21 monetary penalties of a civil nature;

22 ~~((52))~~ (54) Chapter 46.72 RCW relating to the transportation of
23 passengers in for hire vehicles;

24 ~~((53))~~ (55) RCW 46.72A.060 relating to limousine carrier
25 insurance;

26 ~~((54))~~ (56) RCW 46.72A.070 relating to operation of a limousine
27 without a vehicle certificate;

28 ~~((55))~~ (57) RCW 46.72A.080 relating to false advertising by a
29 limousine carrier;

30 ~~((56))~~ (58) Chapter 46.80 RCW relating to motor vehicle wreckers;

31 ~~((57))~~ (59) Chapter 46.82 RCW relating to driver's training
32 schools;

33 ~~((58))~~ (60) RCW 46.87.260 relating to alteration or forgery of a
34 cab card, letter of authority, or other temporary authority issued
35 under chapter 46.87 RCW;

36 ~~((59))~~ (61) RCW 46.87.290 relating to operation of an
37 unregistered or unlicensed vehicle under chapter 46.87 RCW.

1 NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act constitute
2 a new chapter in Title 46 RCW.

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